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SENATE BILL 988

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Pete Campos

AN ACT

RELATING TO SCHOOL PERSONNEL; CHANGING THE CALCULATION FOR
MINIMUM SALARIES OF SCHOOL PRINCIPALS AND ASSISTANT SCHOOL
PRINCIPALS; PROVIDING FOR A LICENSURE AND COMPENSATION
FRAMEWORK FOR CERTAIN INSTRUCTIONAL SUPPORT PROVIDERS;
PROVIDING A LICENSING FRAMEWORK AND MINIMUM SALARIES FOR
EDUCATIONAL ASSISTANTS; PROVIDING MINIMUM SALARIES FOR CLERKS,
SECRETARIES AND BOOKKEEPERS IN SCHOOL DISTRICTS; MAKING
APPROPRIATIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 22-10A-2 NMSA 1978 (being Laws 1975,
Chapter 306, Section 2, as amended) is amended to read:

"22-10A-2. DEFINITIONS.--As used in the School Personnel
Act:

A. "discharge" means the act of severing the

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1 employment relationship with a certified school employee prior
2 to the expiration of the current employment contract;

3 B. "responsibility factor" means a value of 1.20
4 for an elementary school principal, 1.40 for a middle school or
5 junior high school principal, 1.60 for a high school principal,
6 1.10 for an assistant elementary school principal, 1.15 for an
7 assistant middle school or assistant junior high school
8 principal and 1.25 for an assistant high school principal;

9 [~~B.~~] C. "state agency" means any state institution
10 or state agency providing an educational program requiring the
11 employment of certified school instructors;

12 [~~C.~~] D. "sabbatical leave" means leave of absence
13 with pay as set by the local school board or governing
14 authority of a state agency during all or part of a regular
15 school term for purposes of study or travel related to the
16 staff member's duties and of direct benefit to the
17 instructional program;

18 [~~D.~~] E. "terminate" means, in the case of a
19 certified school employee, the act of not reemploying an
20 employee for the ensuing school year and, in the case of a
21 noncertified school employee, the act of severing the
22 employment relationship with the employee;

23 [~~E.~~] F. "working day" means every calendar day,
24 excluding Saturday, Sunday or legal holiday; and

25 [~~F.~~] G. "just cause" means a reason that is

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1 rationally related to an employee's competence or turpitude or
2 the proper performance of [~~his~~] the employee's duties and that
3 is not in violation of the employee's civil or constitutional
4 rights."

5 Section 2. Section 22-10A-11 NMSA 1978 (being Laws 2003,
6 Chapter 153, Section 42, as amended by Laws 2005, Chapter 315,
7 Section 8 and by Laws 2005, Chapter 316, Section 5) is amended
8 to read:

9 "22-10A-11. LEVEL THREE LICENSURE--TRACKS FOR TEACHERS
10 AND SCHOOL ADMINISTRATORS.--

11 A. A level three-A license is a nine-year license
12 granted to a teacher who meets the qualifications for that
13 level and who annually demonstrates instructional leader
14 competencies. If a level three-A teacher does not demonstrate
15 essential competency in a given school year, the school
16 district shall provide the teacher with additional professional
17 development and peer intervention during the following school
18 year. If by the end of that school year the teacher fails to
19 demonstrate essential competency, a school district may choose
20 not to contract with the teacher to teach in the classroom.

21 B. The department shall grant a level three-A
22 license to an applicant who has been a level two teacher for at
23 least three years and holds a post-baccalaureate degree or
24 national board for professional teaching standards
25 certification; demonstrates instructional leader competence as

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1 required by the department and verified by the local
2 superintendent through the highly objective uniform statewide
3 standard of evaluation; and meets other qualifications for the
4 license.

5 C. With the adoption by the department of a highly
6 objective uniform statewide standard of evaluation for level
7 three-A teachers, the minimum salary for a level three-A
8 teacher for a standard nine and one-half month contract shall
9 be as follows:

10 (1) for the 2003-2004 school year, thirty
11 thousand dollars (\$30,000);

12 (2) for the 2004-2005 school year, thirty-five
13 thousand dollars (\$35,000);

14 (3) for the 2005-2006 school year, forty
15 thousand dollars (\$40,000);

16 (4) for the 2006-2007 school year, forty-five
17 thousand dollars (\$45,000); and

18 (5) for the 2007-2008 school year, fifty
19 thousand dollars (\$50,000).

20 D. A level three-B license is a nine-year license
21 granted to a school administrator who meets the qualifications
22 for that level. Licenses may be renewed upon satisfactory
23 annual demonstration of instructional leader and administrative
24 competency.

25 E. The department shall grant a level three-B

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1 license to an applicant who has been a level three-A
2 [~~instructional leader~~] teacher for at least one year, has
3 satisfactorily completed department-approved courses in
4 administration and a department-approved administration
5 apprenticeship program and demonstrates instructional leader
6 competence required by the department and verified by the local
7 superintendent through the highly objective uniform statewide
8 standard of evaluation.

9 [F. ~~Beginning with the 2007-2008 school year, the~~
10 ~~standard contract and minimum annual salary for a level three-B~~
11 ~~school principal shall be based on the size of the school in~~
12 ~~which the school principal is employed, as follows:~~

13 (1) ~~for school principals of schools with two~~
14 ~~hundred or fewer students, a minimum salary of~~
15 ~~fifty-eight thousand dollars (\$58,000) for a standard~~
16 ~~ten-month contract;~~

17 (2) ~~for school principals of schools with two~~
18 ~~hundred one to four hundred students, a minimum salary of sixty~~
19 ~~thousand dollars (\$60,000) for a standard ten-month contract;~~

20 (3) ~~for school principals of schools with four~~
21 ~~hundred one to six hundred students, a minimum salary of sixty-~~
22 ~~two thousand dollars (\$62,000) for a standard ten-month~~
23 ~~contract;~~

24 (4) ~~for school principals of schools with six~~
25 ~~hundred one to eight hundred students, a minimum salary of~~

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1 ~~sixty-four thousand dollars (\$64,000) for a standard~~
2 ~~ten-month contract;~~

3 ~~(5) for school principals of schools with~~
4 ~~eight hundred one to one thousand students, a minimum salary of~~
5 ~~sixty-six thousand dollars (\$66,000) for a standard~~
6 ~~ten-month contract; and~~

7 ~~(6) for school principals of schools with more~~
8 ~~than one thousand students, a minimum salary of~~
9 ~~sixty-eight thousand dollars (\$68,000) for a standard~~
10 ~~ten-month contract.]~~

11 F. Beginning with the 2007-2008 school year, the
12 minimum annual salary for a level three-B school principal or
13 assistant school principal shall be fifty thousand dollars
14 (\$50,000) multiplied by the applicable responsibility factor.

15 G. By the beginning of the 2008-2009 school year,
16 the department shall adopt a highly objective uniform statewide
17 standard of evaluation for level three-B school principals and
18 assistant school principals and rules for the implementation of
19 that evaluation system linked to the level of responsibility at
20 each school level."

21 Section 3. Section 22-10A-17 NMSA 1978 (being Laws 2003,
22 Chapter 153, Section 48, as amended) is amended to read:

23 "22-10A-17. INSTRUCTIONAL SUPPORT PROVIDER LICENSES.--

24 A. The department shall license instructional
25 support providers [~~including educational assistants, school~~

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1 ~~counselors, school social workers, school nurses, speech-~~
2 ~~language pathologists, psychologists, physical therapists,~~
3 ~~physical therapy assistants, occupational therapists,~~
4 ~~occupational therapy assistants, recreational therapists,~~
5 ~~interpreters for the deaf, diagnosticians and other service~~
6 ~~providers].~~ The department [may] shall provide a
7 [~~professional~~] progressive licensing framework in which
8 licensees can advance in their careers through the
9 demonstration of increased competencies and the undertaking of
10 increased duties.

11 B. [~~The department shall provide by rule for the~~
12 ~~requirements for licensure of types of instructional support~~
13 ~~providers.]~~ If an instructional support provider practices a
14 licensed profession, [~~he~~] the instructional support provider
15 shall provide evidence satisfactory to the department that [~~he~~]
16 the instructional support provider holds a current, unsuspended
17 license in the profession for which [~~he~~] the instructional
18 support provider is applying to provide instructional support
19 services. The instructional support provider shall notify the
20 school district and department immediately if [~~his~~] the
21 instructional support provider's professional license is
22 suspended, revoked or denied. Suspension, revocation or denial
23 of a professional license shall be just cause for discharge or
24 termination and suspension, revocation or denial of the
25 instructional support provider license.

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1 C. If an instructional support provider practices a
2 licensed profession that requires a bachelor's or higher
3 degree, the instructional support provider shall be licensed as
4 provided in Section 2 of this 2007 act. If the instructional
5 support provider does not practice a licensed profession or
6 practices a profession or occupation that does not require at
7 least a bachelor's degree, the instructional support provider
8 shall be licensed as provided by specific law or by rule of the
9 department. The department may designate licenses of
10 instructional support providers licensed by rule as numeric
11 levels or any other designation it determines as long as the
12 licensure denotes a progressive framework."

13 Section 4. A new section of the School Personnel Act is
14 enacted to read:

15 "[NEW MATERIAL] PROFESSIONAL INSTRUCTIONAL SUPPORT
16 PROVIDER LICENSING FRAMEWORK--REQUIREMENTS AND SALARY.--

17 A. This section applies to professional
18 instructional support providers whose professional duties
19 require a bachelor's or higher degree to practice in public
20 schools.

21 B. The department shall issue professional
22 instructional support provider licenses endorsed for the
23 applicable professions to applicants who meet the requirements
24 for each level of licensure. In determining the appropriate
25 licensure level for an applicant, the department shall adopt

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1 rules to consider verified employment as a certified
2 professional in a clinical or parallel setting in lieu of
3 experience in a school setting.

4 C. A level one professional instructional support
5 provider license is a provisional license for the first three
6 years of practice in a school setting that gives a beginning
7 instructional support provider the opportunity, through a
8 formal mentorship program, for additional preparation to be an
9 instructional support provider in the endorsed profession
10 listed on the license. As a condition of licensure, the
11 instructional support provider is required to undergo a formal
12 mentorship program and an annual intensive performance
13 evaluation by a school administrator or a level three
14 professional instructional support provider endorsed for the
15 same profession as the licensee for three full school years
16 before applying for a level two license. At the end of each
17 year and at the end of the license period, the level one
18 professional instructional support provider shall be evaluated
19 for competency. If the instructional support provider has not
20 demonstrated satisfactory progress and competence by the end of
21 the three-year period, the provider shall not be granted a
22 level two license. Except in exigent circumstances defined by
23 department rule, a level one professional instructional support
24 provider license shall not be extended beyond the initial
25 three-year period and shall not be renewed. The department

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1 shall issue a level one professional instructional support
2 provider license to an applicant who is at least eighteen years
3 of age and who:

4 (1) if required to do so, holds a license or
5 certification in the professional area in which the provider
6 seeks to practice in a school setting; and

7 (2) meets other qualifications for level one
8 licensure as determined by the department, including clearance
9 of the required background check.

10 D. A level two professional instructional support
11 provider license is granted to an instructional support
12 provider who is a fully qualified professional who annually
13 demonstrates essential competencies. The department shall
14 issue a level two professional instructional support provider
15 license to an applicant who successfully completes the three-
16 year level one professional license or is granted reciprocity
17 as provided by department rule and meets other qualifications
18 as required by the department. If a level two professional
19 instructional support provider does not demonstrate essential
20 competency in a given school year, the school district shall
21 provide the provider with additional professional development
22 and peer intervention during the following school year. To
23 maintain the nine-year level two professional instructional
24 support provider license, the licensee shall:

25 (1) demonstrate essential competency required

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1 by the department as verified by the local superintendent
2 through annual evaluations;

3 (2) hold a valid license or certification in
4 the licensee's profession; and

5 (3) meet all continuing education requirements
6 of the licensee's profession.

7 E. A level three professional instructional support
8 provider license is granted to an instructional support
9 provider who is a fully qualified professional who demonstrates
10 leadership competencies beyond those required for a level two
11 license. A level three license shall be granted to an
12 applicant who has been a level two professional instructional
13 support provider for at least three years or is granted
14 reciprocity as provided by department rule and meets other
15 qualifications as required by the department, including
16 successful demonstration of essential and leadership
17 competencies. If a level three professional instructional
18 support provider does not demonstrate essential and leadership
19 competencies in a given school year, the school district shall
20 provide the provider with additional professional development
21 and peer intervention during the following school year. To
22 maintain the nine-year level three professional instructional
23 support provider license, the licensee shall:

24 (1) demonstrate essential and leadership
25 competencies required by the department as verified by the

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1 local superintendent through annual evaluations;

2 (2) hold a valid license or certification in
3 the licensee's profession;

4 (3) meet all continuing education requirements
5 of the licensee's profession; and

6 (4) hold an advanced degree or certification
7 as required by department rule.

8 F. Beginning with the 2008-2009 school year, with
9 the adoption by the department of a highly objective
10 performance evaluation for professional instructional support
11 providers, the minimum salaries for professional instructional
12 support providers licensed pursuant to this section shall be as
13 follows:

14 (1) for level one professional instructional
15 support providers, for the school year following adoption of
16 the performance evaluation, thirty thousand dollars (\$30,000);

17 (2) for level two professional instructional
18 support providers, for the first school year following adoption
19 of the performance evaluation, forty thousand dollars
20 (\$40,000); and

21 (3) for level three professional instructional
22 support providers, for the first school year following adoption
23 of the performance evaluation and the adoption of the minimum
24 of fifty thousand dollars (\$50,000) salary for level three
25 teachers, fifty thousand dollars (\$50,000).

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1 G. The department shall consult with professional
2 licensing boards and professional organizations in the
3 development of the three-level licensure system to include
4 essential and leadership competencies and the performance
5 evaluation instruments."

6 Section 5. Section 22-10A-17.1 NMSA 1978 (being Laws
7 2004, Chapter 30, Section 1) is amended to read:

8 "22-10A-17.1. EDUCATIONAL ASSISTANTS--LICENSING
9 FRAMEWORK--QUALIFICATIONS--MINIMUM SALARIES.--

10 A. All persons who perform services as educational
11 assistants in public schools or [~~in those special state-~~
12 ~~supported schools within~~] state agencies must hold valid,
13 educational assistants licensure issued by the [~~public~~
14 ~~education~~] department. Educational assistants shall be
15 assigned and serve as assistants to school staff [~~duly~~]
16 licensed by the [~~public education~~] department. While there may
17 be [~~brief~~] periods when educational assistants are alone with
18 and in control of a classroom of students, their primary use
19 shall be to work alongside or under the direct supervision of
20 [~~duly licensed staff~~] a teacher.

21 ~~[B. The public education department will, through~~
22 ~~appropriate rules, institute a licensure system for educational~~
23 ~~assistants. The highest level of license must ensure that~~
24 ~~educational assistants who hold that level of licensure meet~~
25 ~~the standard for paraprofessionals established in federal~~

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1 ~~statute and regulation for employment in a Title I program.~~
2 ~~Educational assistants hired on or after January 8, 2002, who~~
3 ~~provide instructional support in a Title I program, must meet~~
4 ~~the qualifications for the highest level of licensure on the~~
5 ~~effective date of this statute. Paraprofessionals hired prior~~
6 ~~to January 8, 2002, must meet the qualifications for the~~
7 ~~highest level of licensure by January 8, 2006.~~

8 C. ~~The minimum annual salary for licensed~~
9 ~~educational assistants shall be twelve thousand dollars~~
10 ~~(\$12,000) effective in the 2004-2005 school year.~~

11 D. ~~The minimum salaries specified in Subsection C~~
12 ~~of this section may be adjusted in accordance with~~
13 ~~appropriations for that purpose in each school year as~~
14 ~~established by the secretary of public education.~~

15 E. ~~School districts shall initiate the~~
16 ~~implementation of a career salary framework that supports the~~
17 ~~licensure system in public education department rules in fiscal~~
18 ~~year 2005.]~~

19 B. A level one educational assistant license is a
20 provisional two-year license for beginning educational
21 assistants who do not meet the qualifications for other levels
22 of educational assistant licensure. A level one educational
23 assistant license requires as a condition of licensure that the
24 educational assistant undergo an annual intensive performance
25 evaluation by a school administrator or state agency indicating

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1 that the educational assistant has satisfactorily demonstrated
2 educational assistant competencies for two full school years
3 before applying for a level two license; provided, however,
4 that a person may meet the qualifications for a level three or
5 level four license and be licensed at one of those levels
6 without first holding a level one license. A person seeking a
7 level one educational assistant license shall meet the
8 following requirements:

9 (1) hold a high school diploma or its
10 equivalent;

11 (2) be eighteen years of age; and

12 (3) provide certification from the local
13 superintendent or state agency that the person seeking
14 licensure has satisfactorily completed an orientation session
15 pertinent to the assignment.

16 C. A level two license is a nine-year license
17 granted to an educational assistant who meets the
18 qualifications for that level and who annually demonstrates
19 educational assistant competencies. A person seeking a level
20 two educational assistant license shall meet the following
21 requirements:

22 (1) hold a high school diploma or its
23 equivalent;

24 (2) be eighteen years of age;

25 (3) provide certification from the local

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1 superintendent or state agency that the person seeking
2 licensure has satisfactorily completed an orientation session
3 pertinent to the assignment; and

4 (4) provide certification from the local
5 superintendent or state agency that the person seeking
6 licensure has satisfactorily demonstrated the educational
7 assistant competencies at level one for two full school years.

8 D. A level three license is a nine-year license
9 granted to an educational assistant who meets the
10 qualifications for that level and who annually demonstrates
11 educational assistant competencies. A person seeking a level
12 three educational assistant license shall meet the following
13 requirements:

14 (1) hold a high school diploma or its
15 equivalent;

16 (2) be eighteen years of age;

17 (3) provide certification from the local
18 superintendent or state agency that the educational assistant
19 has satisfactorily completed an orientation session pertinent
20 to the assignment; and

21 (4) complete forty-eight semester hours of
22 academic credit awarded by a nationally or regionally
23 accredited college or university that include at least the
24 following fifteen semester hours in nonremedial coursework:

25 (a) three hours of language arts-reading

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1 or language arts-reading pedagogy;

2 (b) three hours of writing or writing
3 pedagogy;

4 (c) three hours of mathematics or
5 mathematics pedagogy; and

6 (d) six hours of reading, writing and
7 math readiness; professional education; classroom management;
8 teaching assistance; or special education; or

9 (5) obtain a passing score of at least seventy
10 percent on a test administered pursuant to department rules; or

11 (6) successfully demonstrate competency
12 through a portfolio assessment administered pursuant to
13 department rules.

14 E. A level four license is a nine-year license
15 granted to an educational assistant who meets the
16 qualifications for that level and who annually demonstrates
17 educational assistant competencies. A person seeking a level
18 four educational assistant license shall meet all of the
19 requirements for holding a level three educational assistant
20 license and, in addition, shall have earned an associate or
21 higher degree from a nationally or regionally accredited
22 college or university.

23 F. The minimum salaries for each licensure level
24 for educational assistants employed by school districts or
25 state agencies are:

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1 (1) for level one educational assistants,
2 twelve thousand dollars (\$12,000);

3 (2) for level two educational assistants,
4 thirteen thousand dollars (\$13,000), to be implemented in
5 fiscal year 2008;

6 (3) for level three educational assistants,
7 fifteen thousand dollars (\$15,000), to be implemented in fiscal
8 year 2009; and

9 (4) for level four educational assistants,
10 seventeen thousand dollars (\$17,000), to be implemented in
11 fiscal year 2010.

12 G. Each school district shall implement a career
13 salary framework that supports the licensure system for
14 educational assistants. Salary increments above the minimums
15 required pursuant to Subsection F of this section constitute
16 the remainder of the framework and shall be based on training
17 and experience as well as other factors deemed appropriate by
18 the school district.

19 H. Educational assistants holding licenses on July
20 1, 2007 shall continue to be licensed at that level for the
21 term of the license. Licensees seeking to renew an educational
22 assistant license shall meet the new requirements.

23 I. The department shall promulgate rules to ensure
24 that educational assistants who hold level three or level four
25 licenses meet the standard for paraprofessionals established in

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1 federal law and regulations for employment in a Title 1
2 program. Educational assistants hired on or after January 8,
3 2002 who provide instructional support in a Title 1 program
4 shall meet the qualifications for level three or level four
5 licensure on the effective date of this section. Educational
6 assistants hired prior to January 8, 2002 who provide
7 instructional support in a Title 1 program shall meet the
8 qualifications for level three or level four licensure by
9 January 8, 2008."

10 Section 6. A new section of the School Personnel Act is
11 enacted to read:

12 "[NEW MATERIAL] UNLICENSED SCHOOL EMPLOYEES--MINIMUM
13 SALARIES.--School districts shall implement a career salary
14 framework for clerks, secretaries and bookkeepers that provides
15 the following:

16 A. the minimum salary for clerks shall be:

17 (1) for entry level clerks with up to five
18 years' experience, seven dollars fifty cents (\$7.50) per hour
19 or the state minimum wage, whichever is higher;

20 (2) for intermediate level clerks with five to
21 ten years' experience, ten dollars (\$10.00) per hour; and

22 (3) for advanced level clerks with ten to
23 twenty years' experience, thirteen dollars (\$13.00) per hour;

24 B. the minimum salary for secretaries shall be:

25 (1) for entry level secretaries with up to

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1 five years' experience, ten dollars (\$10.00) per hour;

2 (2) for intermediate level secretaries with
3 five to ten years' experience, twelve dollars (\$12.00) per
4 hour; and

5 (3) for advanced level secretaries with ten to
6 twenty years' experience, fourteen dollars (\$14.00) per hour;
7 and

8 C. the minimum salary for bookkeepers shall be:

9 (1) for entry level bookkeepers with up to
10 five years' experience, fourteen dollars (\$14.00) per hour;

11 (2) for intermediate level bookkeepers with
12 five to ten years' experience, fifteen dollars (\$15.00) per
13 hour; and

14 (3) for advanced level bookkeepers with ten to
15 twenty years' experience, sixteen dollars (\$16.00) per hour."

16 Section 7. TEMPORARY PROVISION--LICENSE TRANSITION.--The
17 public education department shall promulgate rules to
18 transition from the license system in effect on June 30, 2007
19 to the license system provided for in Section 5 of this act.

20 Section 8. APPROPRIATIONS.--

21 A. Four million two hundred thousand dollars
22 (\$4,200,000) is appropriated from the general fund to the
23 public school fund for distribution through the state
24 equalization guarantee distribution in fiscal year 2008 to
25 implement minimum salaries for school principals and assistant

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1 principals in the 2007-2008 school year. Any undistributed
2 amount remaining at the end of fiscal year 2008 shall revert to
3 the general fund.

4 B. Two hundred fifty thousand dollars (\$250,000) is
5 appropriated from the general fund to the public education
6 department for expenditure in fiscal year 2008 to establish a
7 progressive licensure and compensation framework for all
8 instructional support providers and to develop and implement a
9 highly objective performance evaluation for professional
10 instructional support providers by June 30, 2008. Any
11 unexpended or unencumbered balance remaining at the end of
12 fiscal year 2008 shall revert to the general fund.

13 C. Four million dollars (\$4,000,000) is
14 appropriated from the general fund to the public school fund
15 for distribution through the state equalization guarantee for
16 expenditure in fiscal year 2008 to pay the cost of implementing
17 a minimum salary for educational assistants holding level two,
18 level three or level four licenses. Any unexpended or
19 unencumbered balance remaining at the end of fiscal year 2008
20 shall revert to the general fund.

21 D. Four million dollars (\$4,000,000) is
22 appropriated from the general fund to the public education
23 department for expenditure in fiscal year 2008 to raise clerks,
24 secretaries and bookkeepers in school districts to minimum
25 salary levels. The salary increases shall be effective the

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1 first full pay period after July 1, 2007. Any unexpended or
2 unencumbered balance remaining at the end of fiscal year 2008
3 shall revert to the general fund.

4 Section 9. EFFECTIVE DATE.--The effective date of the
5 provisions of this act is July 1, 2007.

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